

CITY OF MIAMI BEACH
Tourism and Cultural Development
Memorandum



To: Planning Board

Date: January 11, 2005

From: Max A. Sklar
Acting Director, Tourism and Cultural Development

Subject: UPDATE - SPECIAL EVENT GUIDELINES REVISIONS

On November 3, 2004, and December 21, 2004, the Administration provided the Community Affairs/Neighborhoods Committee with an update on the review and revisions to the Special Event Guidelines currently being conducted by the City Administration. This review of the City's special event guidelines began March 19, 2003 at the request of the City Commission. During the course of this review the City researched best practices of comparable cities such as Atlanta, Fort Lauderdale and San Diego. After careful review of the City's Ordinance, and with assistance from City staff, revisions have been made to the City of Miami Beach Special Event Permit Requirements and Guidelines that reflect best-case models, develop strategies to monitor and enforce these policies and design revenue models to offset potential costs.

To date, three community meetings, including one meeting with the hotel industry were held to solicit feedback and comments on the proposal changes. All three meetings were very well attended and comments received primarily focused on events held on private property and recurring events on private property, special event fees, permitted locations for special events, enforcement of the regulations, and the neighborhood review procedure. Additionally, many comments were received from the community outside of the aforementioned meetings. **Copies of all comments are attached in Appendix 1.**

Proposed changes include events on private property, which will mainly affect hotels, internal review procedures, fee schedule changes, special events locations, beach vehicle access policy, sponsorship requirements, and penalties.

The Community Affairs/Neighborhoods Committee discussed the following issues:

1. Events on private property and accessory hotel uses
2. Establish criteria to recognize neighborhood and business organizations
3. Amend Consecutive Day Clause to account for citywide events and conventions
4. Grandfather the security deposit for long standing and not-for-profit events
5. Fee waivers
6. Special event zones
7. Use of public property for trade shows
8. Determine feasibility of procuring insurance for not-for-profit groups
9. All ages events at nightclubs

As a result of the discussion, staff was instructed to incorporate the following items into the guideline revisions:

- Private Property Events.
 - Events or activities that do not require special event permits are recurring activity that is typically not open to the general public and is customary and incidental to a permitted main or accessory use, whether by paid admission or not and require no additional permitting.
 - Special Event uses are non-recurring events or activities that have extraordinary or excessive impacts on public health, safety or welfare, not normally associated in type or quantity with permitted main or accessory uses.
 - List of accessory uses for hotels was included in the guidelines at the request of the Community Affairs/Neighborhoods Committee. **(Please refer to Page 4 in the attached guidelines for the complete list)**

***Note:** Although this section addresses use of private property in general, much of the discussion centered on accessory uses on hotel properties and its impact to residents. After much discussion with both the residents and hotel industry the City has drafted the aforementioned definitions for special events. The Administration believes this addresses concerns by both groups and still meets the City's requirements. In no case may the noise ordinance be violated, unless otherwise granted by the City.*

- Neighborhood Review Procedures: The Committee directed staff to begin working toward establishing recognized neighborhood groups with established criteria similar to the process followed by the City of Fort Lauderdale **(see attached)**. This process requires coordination with Neighborhood Services Department. In the meantime, the Administration will continue with the current procedure of review by the corresponding neighborhood/business association.
- Add language in the Consecutive Day Clause section to allow applicants the ability to host additional events during citywide event or convention periods. **(Please refer to Page 16 in the attached guidelines)**
- The Committee felt that increasing the security deposit for not-for-profit and longstanding events would be too much of a burden and requested that this be added to the Grandfather Clause in the guidelines. The guidelines were amended to grandfather security deposits at \$2,500 for Art Deco Weekend and Miami Beach Festival of the Arts. **(Please refer to Page 18 in the attached guidelines)**
- The Committee discussed fee waivers and determined that they should only be offered to applicants who are 501(C) 3 non-profit entities and not to applicants who partner with a non-profit in order to receive the benefit.
- During the Administration's research of other special event policies it was determined that other cities have established special event zones as a means to control use of public property for large scale events. This practice was incorporated into the revisions developed by the Administration. The only designated venues available for special events larger than 1,000 persons were Lummus Park, Collins Park, the "Beach Bowl" (Collins Avenue between

72nd and 73rd Streets) and North Shore Open Space Park in North Beach. The Community Affairs/Neighborhoods Committee discussed this subject and determined that it was best to eliminate the special event zones proposed in the guidelines and review all requests internally and externally to determine compatibility with the neighborhood.

- The Community Affairs/Neighborhoods Committee discussed whether or not trade shows should be permitted on public property, specifically the beach. Concern was expressed with commercializing the beach for this type of activity and its impact on convention center business. The Committee asked the Administration to develop a definition for tradeshow and refer the item to the full Commission for discussion.

The following definition for trade show should be discussed as part of the larger discussion on whether or not they should be permitted on public property:

- **Trade Show** means (1) an exhibition of products and/or services held for members of a common or related industry. Not open to the general public **AND/OR** (2) an event at which products and services are displayed. The primary activity of attendees is visiting exhibits on the show floor. These events focus primarily on business-to-business (B2B) relationships **AND/OR** (3) display of products or promotional material for the purposes of public relations, sales and/or marketing.

The following are other items the Committee inquired about and either did not recommend amending the guidelines or, based on research provided below, are not recommended for inclusion in the guidelines:

- Staff was also asked to review the City's ability to offer small groups wishing to produce events on public property the ability to purchase the necessary insurance directly from the City for their event. This would likely serve small non-profit groups that do not otherwise carry general liability insurance. The City's Risk Management Office has reviewed this issue and advised that the City is self insured for liability and would have to purchase a separate policy, which would have a minimum premium cost which would have to be passed on to the groups wishing to purchase.

If this were considered, the City would have to estimate the amount of annual participants and divide it into the minimum premium to calculate a surcharge which would be added to the premium. If we under estimate participation, it could cost the City. If we over estimate, we would have to return any overage at the end of the year. Additionally, in order to calculate the correct premium, the carrier would need to know the type of event, indoors or outdoors, number of days, whether food or liquor will be served and by whom and class rating of the organization purchasing. After reviewing this alternative and the number of producers who might avail themselves of this opportunity, the administration does not feel it is easy or cost effective to pursue this.

- The Community Affairs/Neighborhoods Committee also discussed all ages special event permits to alcoholic beverage establishments. In light of the efforts being made to address quality of life issues the Committee referred this item to the City Commission for discussion. By way of background, in 2002 Level Nightclub approached the City to permit an all ages event and the City Commission denied the request. Currently, full service restaurants may serve all ages, but nightclubs cannot.

- Suggested use is the issuance of a special event permit to alcohol beverage establishments of 10,000 square feet or larger, no more than two times per year, for all-ages events. Alcohol may be served at such events, but in a physically separate area, and patrons eligible for service of alcohol must be banded.
- a. Establishments seeking a special event permit for all-ages events must not have violated Section 6-5 (Patron Age Restriction) of the City Code within the last year.

Note: *This item was included at the request of the Nightlife Industry Task Force primarily to allow for all-ages concerts at nightclub venues.*

Upon further review by the Planning Board, the guidelines and the related Ordinance amendment will be forwarded to the City Commission for final review and adoption.

JMG\CMC\MAS

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